

Remarks

Thank you for your work in connection with this application. Following are Applicant's remarks responsive to the Office Action.

Amendments

The specification is amended as noted to correct the misspelling of isocyanate and to insert water-borne in place of water born.

Claims 1-11 are canceled without prejudice. Claims 12-30 are new claims. Each claim requires that the grout includes water-borne polyurethane. Support for new independent claims 12 and 18 is found, for example, at 3:14-15, 3:22-23 and 5:5-8, 5:19-23 (reference is to page:line or column:line). Workable consistency, of course, simply refers to a state in which the grout may be used to fill joints. Application, for example, at 5:6-7 and 5:19-23. New independent Claim 24 is supported, for example, at 3:14-15, 3:22-23, 4:22 through 5:6 and 5:12-13. New claims 25-26 are supported, for example, at 5:5-10. No new matter is added.

Response to Rejections

Rejections under 35 U.S.C. § 102(b)

Claims 1-3 and 6 were rejected under 35 U.S.C. § 102(b) based on U.S. Patent No. 5,663,267 (Frost). Claims 1-3 and 6 are canceled. New claims 12-30 are directed to Applicant's compositions of matter or a method of using a grout according the compositions. Frost describes a polymer grout including acrylic and methacrylic acids. Frost at 1:66 through 2:23. Urethane-based grouts are criticized. Frost at 1:50-58. New claims 12-30 are all directed to one-part grout compositions or methods based on use of water-borne polyurethane which is not present in Frost. Accordingly, claims 12-30 are not anticipated by Frost.

Rejections under 35 U.S.C. § 103(a)

Claim 5 was rejected under 35 U.S.C. § 103(a) based on Frost and U.S. Patent No. 3,386,944 (Blomeyer). Claim 5 is canceled. Claims 12-30 are not obvious based on Frost and Blohmeyer.

Blomeyer is primarily directed to water binding agents for use in polyurethane compositions. Blomeyer at 1:14-20. Blomeyer Example 1 describes a floor coating composition including such water binding agents. However, this composition requires a two-part polyurethane constituent which is not a water-borne polyurethane.

Claims 12-30 are directed to one-part coating compositions/methods to avoid problems associated with two-part compositions as described in the Application at 3:6-15, 3:22-23. And, claims 12-30 require water-borne polyurethane which is a polyurethane dispersion incorporating a water-based solvent. Blomeyer and Frost do not describe any such polyurethane and do not render claims 12-30 obvious.

Claims 4 and 7-11 were rejected under 35 U.S.C. § 103(a) based on Frost and U.S. Patent No. 6,264,737 (Liotta, Jr. et. al.). These claims are now canceled. New claims 18-23 are directed to Applicant's methods. Liotta does not teach Applicants' composition of claims 18-23 and Frost differs from Applicants' composition of these claims for the reasons set forth above. Accordingly, it is believed that claims 18-23 are patentable over Frost and Liotta.

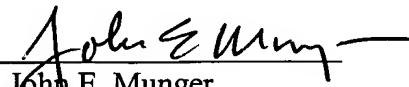
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Conclusion

The Examiner is invited to call the undersigned if that would be of assistance in resolving any outstanding issue regarding this application. The Commissioner is authorized to debit deposit account 10-0270 to pay for any amounts due in connection with this paper. Kindly notify the undersigned in the event that the deposit account is debited or credited.

Respectfully submitted,

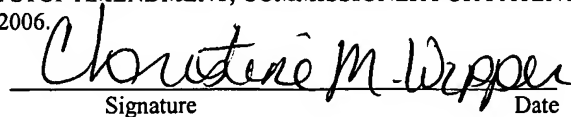
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Christine M. Wipper
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 7/13/06
Signature Date